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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,228	06/25/2001	Jeffrey H. Alger	03797.00013	3296

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Pamela I. Banner
Banner & Witcoff, Ltd.
1001 G Street, N.W., 11th Floor
Washington, DC 20001-4597

EXAMINER

CHEA, PHILIP J

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/892,228

Applicant(s)

ALGER ET AL.

Examiner

Philip J. Chea

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This Action is in response to an Amendment filed February 9, 2005. Claims 1-4,6-14 are currently pending. Any rejection not set for below has been overcome by the current Amendment.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, are rejected under 35 U.S.C. 102(b) as being anticipated by RealPlayer 5.0 (RealNetworks, Inc. RealPlayer 5.0 Manual).

As per claim 1, RealPlayer discloses an application that uses content to perform a function, as claimed comprising:

a client portal for retrieving content from a network, such that content retrieved by the client portal is seamlessly integrated into the application for use (page 11, paragraph 1, lines 1 and 2), and

the client portal is capable of retrieving content from only preselected sites in the network (page 11, figure 2, Destination Buttons).

As per claim 2, RealPlayer discloses the application providing an interface for manipulating content retrieved from the network (page 11, figure 2 (play, stop, and forward buttons); and

the client portal retrieves content from the network directly into the interface (page 11, figure 2, Image Area).

As per claim 4, RealPlayer discloses a media player for playing electronic media (page 11, paragraph 1, lines 1 and 2).

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Claims 1, 2, and 6-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Bezos et al. (U.S. 6,029,141).

As per claim 1, Bezos et al. disclose an application that uses content to perform a function, as claimed comprising:

a client portal for retrieving content from a network, such that content retrieved by the client portal is seamlessly integrated into the application for use (columns 6 and 7, lines 59-67), and

the client portal is capable of retrieving content from only preselected sites in the network (column 6 and 7, lines 59-67 and 1-5).

As per claim 2, Bezos et al. disclose the application providing an interface for manipulating content retrieved from the network (column 7, lines 6-20); and

the client portal retrieves content from the network directly into the interface (column 7, lines 6-20).

As per claim 6, Bezos et al. disclose a browser capable of retrieving content from only preselected sites that are related to providing a particular product (column 6 and 7, lines 59-67 and 1-5).

As per claim 7, Bezos et al. disclose including a memory for storing the preselected sites (column 6, lines 59-67).

As per claim 8, Bezos et al. disclose at least one of the preselected sites list other preselected sites (see column 15, lines 28-36, and Fig. 9 = preselected sites and Fig. 10a = other preselected sites).

As per claim 9, Bezos et al. disclose at least one of the preselected sites lists sites that are available for preselection (column 7, lines 6-20, where preselected sites available are considered links to the merchants websites).

As per claim 10, Bezos et al. disclose a portal wherein the browser provides a header identifying characteristics of the browser (column 8, lines 17-22). A cookie is considered the header that identifies the characteristics of the browser.

As per claim 11 and 13, Bezos et al. disclose a catalog of items for purchase, which are also from multiple content sources (column 7, lines 6-11).

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As per claim 12, Bezos et al. disclose the portal including a memory, and the catalog downloaded into the memory (column 6, lines 59-67).

As per claim 14, Bezos et al. disclose identifying a user of the client portal (column 9, lines 9-20, where user = Italian chef, and selection of items = favorite cookbooks). Also see 103 rejection below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bezos et al. and further in view of Shafer et al. ("Recommender Systems in E-Commerce" 1999).

Bezos et al. shows substantial features of the claimed invention (discussed above). In further support identifying a user of the client portal and having a catalog that contains a selection of items for purchase based upon a previous purchase history of the user are well known in the art and would have been an obvious modification of the system disclosed by Bezos et al., as evidenced by Shafer et al.

In an analogous art, Shafer et al. disclose an e-commerce system where there is a means of presenting catalog information based upon a previous purchase history of the user (page 158, column 2, second paragraph)..

Given the teaching of Schafer et al., a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Bezos et al. by employing a product recommendation based on a users previous purchase history, such as disclosed by Shafer et al., in order to help an e-commerce site adapt itself to each customer enabling individual personalization (Schafer et al., column 2, second paragraph).

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Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bezos et al., in view of admitted prior art (Admission).

As per claim 3, although the system disclosed by Bezos et al. shows substantial features of the claimed invention (discussed above), it fails to disclose a rendering application for eBooks.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Bezos et al., as evidenced by admitted prior art.

In an analogous art, applicant discloses that a rendering application for eBooks is well known in the art (page 2, paragraph 5, lines 6-9).

Given the teaching of the admitted prior art, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Bezos et al. by allowing the application to render eBooks, such as disclosed by the applicant, in order to purchase eBooks from a site such as Amazon to save paper and shipping costs.

Response to Arguments

1. Applicant's arguments filed 2/9/05 have been fully considered but they are not persuasive.

(A) Applicant contends that RealPlayer and the Bezos et al. patent do not teach a client portal limited to accessing only specific sites.

In considering (A), the Examiner respectfully disagrees. The RealPlayer manual shows a portal with destination buttons (Figure 2), for instance sports or news. These destination buttons are only going to retrieve information preselected. In other words, by clicking on the news button, content that has already been chosen will be presented to the user. The Bezos et al. patent also shows the features of the claimed invention. The claim does not disclose a browser only capable of retrieving content from preselected sites that are related to providing a particular product. Thus, the browser claimed can potentially access any site, but when browsing a product web page, like that disclosed by Bezos et al., only those preselected sites presented from the web page are available for selection.

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Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sugiarto; Basuki Afandi et al. (US 6278449 B1) also show a web portal where the layout can be customized and preselected sites can be added to the layout, such as disclosed in the claimed invention.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J. Chea whose telephone number is 571-272-3951. The examiner can normally be reached on M-F 7:00-4:30 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Philip J Chea
Examiner
Art Unit 2153

PJC 4/15/05



Dong S. Fink
Primary Examiner